

**REMARKS**

This Preliminary Amendment is submitted prior to examination of the instant patent application. Claims 1, 4, 5, and 8 are pending. Please add new claims 10-12. Claim 1 is amended. A marked of version of the amendment is attached in Appendix A. No new matter is added by way of this amendment.

The Office Action has asserted that the Request For Reconsideration did not place the application in condition for allowance. Claims 1, 4, 5, 6 and 8 were previously rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combined teachings of European Patent 0913281 (“the ‘281 patent”) and U.S. Patent No. 5,291,941 to Enomoto (“Enomoto”). Applicants respectfully request allowance of the pending claims in view of amendments and following remarks, which establish the allowability of the claims over the previously cited references.

The Advisory Action alleged, “Regarding EP ‘281 the sequence is cooler 15, heater 16 and heater 24 in that order. That order fairly meets the 2<sup>nd</sup> heat exchanger being capable of being connected upstream of the first heat exchanger as claimed in claim 1....” The Office Action dated October 23, 2003, alleges, “to have arranged cooler 36, heater 37, (Enomoto Fig. 8) in duct of Enomoto Fig. 1 upstream and downstream respectively would have been obvious to one of ordinary skill in the art.”

Amended independent claim 1 recites “...wherein the second heat exchanger is downstream from the first heat exchanger and the third heat exchanger is connected downstream of the first heat exchanger in relation to the air flow.”

As to amended claim 1, Applicants respectfully submit that neither EP ‘281 patent, nor the Enomoto patent teaches or suggests connecting the second and third heat exchangers downstream from the first heat exchanger. The Enomoto patent connects both the condenser 11

and the heat exchanger 14 upstream from heater core 301, which is connected to the engine. EP '281 discloses the sequence cooler 15, heater 16, which is connected to the engine, and heater 24, with cooler 15 on the upstream side and heater 24 on the downstream side of the heater 16 that is connected to the engine. Accordingly, Applicants respectfully request allowance of independent claim 1 and claims dependent therefrom on this ground.

Applicants respectfully submit that independent claim 10 and the dependent claims therefrom are patentably distinct from both EP '281 and Enomoto.

New independent claim 10, recites, "...a compressor associated with the cooling and auxiliary heating fluid circuits, the compressor being disposed and configured to selectively deliver fluid to the cooling heat exchanger, the auxiliary heat exchanger, or both the cooling heat exchanger and the auxiliary heat exchanger."

Applicants respectfully submit FIG. 1A in that the EP '281 patent discloses cooler 15 and heater 24 are integral parts of the same fluid circuit and are connected in series. Therefore, the compressor provides fluid to both sub condenser 24 and evaporator 15. ('281 Col. 6, lines 7-17).

Similarly, the Enomoto patent discloses that in the cooling stage, the first electric valve 181 is opened and the second electric valve is closed. The refrigerant is forced from the compressor 10 through the condenser 11, the heat exchanger 14 and returns back to the compressor. In this circuit heat exchangers (11, 14) are in series. In the heating stage, the first electric valve 181 is closed and the second electric valve 182 is opened. Accordingly, the fluid from the compressor goes through the bypass conduit, through heat exchanger 14 and back into the compressor. Even though heat exchanger is not used in the heating stage, heat exchanger 14 and condenser 11 are still connected in series.

Applicants respectfully submit that new independent claim 10 is patentably distinct

from these references. Specifically, the cited references disclose a compressor supplying fluid to (1) the heat exchanger 14 or (2) heat exchanger 14 and condenser 11 in Enomoto, or (3) to both heat exchangers 24 or 15 in EP '281. The cited references do not teach or suggest the a compressor as recited in the independent claim 10, "...a compressor...to selectively deliver fluid to the cooling heat exchanger, the auxiliary heat exchanger, or both the cooling heat exchanger and the auxiliary heat exchanger."

### CONCLUSION

It is now believed that all pending claims are in condition for allowance. In view of the amendments and remarks, an early and favorable reconsideration is respectfully requested. The Examiner is invited to contact Applicants' undersigned representative to discuss any issues which may advance the prosecution of the instant application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account 13-4500, Order No. 1948-4745.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1948-4745. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

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By:



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**Appendix A:**

Marked up version of the claims to show the changes

**In the Claims:**

Please amend claims 1.

1. (Amended) A heating and air conditioning installation for a vehicle comprising:
  - a first fluid circuit comprising a first heat exchanger, said first heat exchanger warming an air flow by transferring heat from the engine;
  - a second fluid circuit comprising a second heat exchanger, said second heat exchanger cooling the air flow;
  - a third fluid circuit comprising a third heat exchanger, said third heat exchanger warming the air flow;
  - wherein the second heat exchanger [is capable of being connected upstream and is capable of being connected downstream from the first heat exchanger] and the third heat exchanger [is connected] are downstream of the first heat exchanger in relation to the air flow.